

1 Plaintiff, Michael Rodman ("Plaintiff"), hereby submits this Administrative Motion
 2 Pursuant to Civil Local Rules 7-11 and 79-5, the Court's Standing Order Governing
 3 Administrative Motions to File Under Seal ("Standing Order"), and the Stipulated Protective
 4 Order ("Protective Order") entered by the Court on August 6, 2012 in connection with
 5 PLAINTIFF'S MOTION FOR DISCOVERY SANCTIONS. Pursuant to Civil Local Rule 79-
 6 5(d) and this Court's Standing Order, Plaintiff has: (1) reviewed and complied with the Court's
 7 Standing Order, and (2) reviewed and complied with Civil Local Rule 79-5.

8 Plaintiff identifies the following documents from the Declaration of Steven A. Schwartz
 9 in Support of Plaintiff's Motion for Discovery Sanctions that he proposes to be sealed:

- 10 • Ex. 2 (entire document) – This exhibit references material(s) that Defendant, Safeway
 11 Inc. ("Safeway") marked "Highly Confidential – Attorneys' Eyes Only," pursuant to
 12 the Stipulated Protective Order, Dkt. No. 57.
- 13 • Ex. 3 (entire document) – This exhibit references material(s) that Defendant, Safeway
 14 Inc. ("Safeway") marked "Highly Confidential – Attorneys' Eyes Only," pursuant to
 15 the Stipulated Protective Order, Dkt. No. 57.
- 16 • Ex. 4 (entire document) – This exhibit contains information that Safeway marked
 17 "Highly Confidential – Attorneys' Eyes Only," pursuant to the Stipulated Protective
 18 Order, Dkt. No. 57.
- 19 • Ex. 5 (entire document) – This exhibit contains information that Safeway marked
 20 "Highly Confidential – Attorneys' Eyes Only," pursuant to the Stipulated Protective
 21 Order, Dkt. No. 57.
- 22 • Ex. 7 (entire document) – This exhibit contains information that Safeway marked
 23 "Highly Confidential – Attorneys' Eyes Only," pursuant to the Stipulated Protective
 24 Order, Dkt. No. 57.
- 25 • Ex. 8 (entire document) – This exhibit contains information that Safeway marked
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 27 Order, Dkt. No. 57.

- 1 • Ex. 9 (entire document) – This exhibit contains information that Safeway marked
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- 4 • Ex. 10 (entire document) – This exhibit contains information that Safeway marked
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6 Order, Dkt. No. 57.
- 7 • Ex. 11 (entire document) – This exhibit contains information that Safeway marked
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- 25 • Ex. 17 (entire document) – This exhibit contains information that Safeway marked
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- 28

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- Ex. 30 (entire document) – This exhibit contains information that Safeway marked “Highly Confidential – Attorneys’ Eyes Only,” pursuant to the Stipulated Protective Order, Dkt. No. 57.
- Ex. 32 (entire document) – This exhibit contains detailed billing information/entries of Plaintiff’s counsel that Plaintiff marked as “Highly Confidential-Attorneys’ Eyes Only,” pursuant to the Stipulated Protective Order, Dkt. No. 57. Plaintiff has consulted with counsel for Safeway, who have confirmed that Safeway does not

1 oppose Plaintiff's request to seals his counsel's time records. Such sealing is legally
 2 appropriate and authorized. *See In re: Cathode Ray Tube (Crt) Antitrust Litig.*, No.
 3 1917, 2016 WL 1072097, at *3 (N.D. Cal. Mar. 17, 2016, J. Tigar) (approving of *in*
 4 *camera* review of billing records and filing of the same under seal).

- 5 • Ex. 33 (entire document) – This exhibit contains detailed billing information/entries
 6 of Plaintiff's counsel that Plaintiff marked as "Highly Confidential-Attorneys' Eyes
 7 Only," pursuant to the Stipulated Protective Order, Dkt. No. 57. Plaintiff has
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 27 1917, 2016 WL 1072097, at *3 (N.D. Cal. Mar. 17, 2016, J. Tigar) (approving of *in*
 28 *camera* review of billing records and filing of the same under seal).

- Ex. 36 (entire document) – This exhibit contains detailed billing information/entries of Plaintiff’s counsel that Plaintiff marked as “Highly Confidential-Attorneys’ Eyes Only,” pursuant to the Stipulated Protective Order, Dkt. No. 57. Plaintiff has consulted with counsel for Safeway, who have confirmed that Safeway does not oppose Plaintiff’s request to seals his counsel’s time records. Such sealing is legally appropriate and authorized. *See In re: Cathode Ray Tube (Crt) Antitrust Litig.*, No. 1917, 2016 WL 1072097, at *3 (N.D. Cal. Mar. 17, 2016, J. Tigar) (approving of *in camera* review of billing records and filing of the same under seal).

Plaintiff identifies the following documents from the Declaration of James C. Shah in Support of Plaintiff’s Motion for Discovery Sanctions that he proposes to be sealed:

- Ex. 2 (entire document) – This exhibit contains detailed billing information/entries of Plaintiff’s counsel that Plaintiff marked as “Highly Confidential-Attorneys’ Eyes Only,” pursuant to the Stipulated Protective Order, Dkt. No. 57. Plaintiff has consulted with counsel for Safeway, who have confirmed that Safeway does not oppose Plaintiff’s request to seals his counsel’s time records. Such sealing is legally appropriate and authorized. *See In re: Cathode Ray Tube (Crt) Antitrust Litig.*, No. 1917, 2016 WL 1072097, at *3 (N.D. Cal. Mar. 17, 2016, J. Tigar) (approving of *in camera* review of billing records and filing of the same under seal).
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- Ex. 4 (entire document) – This exhibit contains detailed billing information/entries of Plaintiff’s counsel that Plaintiff marked as “Highly Confidential-Attorneys’ Eyes

Only,” pursuant to the Stipulated Protective Order, Dkt. No. 57. Plaintiff has consulted with counsel for Safeway, who have confirmed that Safeway does not oppose Plaintiff’s request to seals his counsel’s time records. Such sealing is legally appropriate and authorized. *See In re: Cathode Ray Tube (Crt) Antitrust Litig.*, No. 1917, 2016 WL 1072097, at *3 (N.D. Cal. Mar. 17, 2016, J. Tigar) (approving of *in camera* review of billing records and filing of the same under seal).

In addition, Plaintiff states that no person or entity other than Safeway and Plaintiff, both ECF filers, has designated any documents sought to be sealed as confidential. As such, Plaintiff has not served the instant motion on any non-party or any party not registered for ECF.

Pursuant to Civil Local Rule 79-5(d), Safeway may file a motion to seal and a declaration explaining why it believes the designated information is, in fact, confidential and sealable. In the event that Safeway fails to file a responsive declaration and motion as required within four (4) days after the conditionally sealed document is lodged with the Court, pursuant to Civil Local Rule 79-5(d), the documents should be unsealed, filed, and made part of the public record.

This application is also based on the material set forth in the Declaration of Timothy N. Mathews and the Proposed Order filed concurrently herewith.

Dated: April 6, 2016

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